

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TELLER, an individual,

Plaintiff,

vs.

GERARD DOGGE (p/k/a GERARD BAKARDY),  
 an individual,

Defendant.

Case No. 2:12-cv-00591-JCM-GWF

**ORDER**

Motion to Deem Third Set of Requests  
 for Admission Admitted (#105)

This matter comes before the Court on Plaintiff Teller's ("Plaintiff") Motion to Deem Third Set of Requests for Admission Admitted (#105), filed on June 11, 2013. Defendant Gerard Dogge ("Defendant") filed a Response (#111) on June 18, 2013. Plaintiff filed a Reply (#114) on June 28, 2013.

Plaintiff represents that he served Defendant with his Third Request for Admissions on April 22, 2013. Plaintiff further represents that the Request indicated that Defendant had 30 days to respond under Federal Rule of Civil Procedure 36. Defendant subsequently asserted that he would not respond to the discovery unless it were translated into his native language. The Court addressed this issue at a May 31, 2013 hearing, *See Minutes, Doc. #98*, at which time Defendant represented that he would respond to the discovery requests by June 14, 2013. On June 11, however, Plaintiff filed the instant Motion (#105). Defendant represents he provided his responses on June 12, 2013. The Court finds that Defendant responded within an extended time period agreed upon at the May 31 hearing, and that Plaintiff was not prejudiced as a result of the delay. *See A. Farber & Partners, Inc. v. Garber*, 237 F.R.D. 250, 257 (C.D. Cal. 2006) (declining to deem the admissions admitted because of "the minimal tardiness involved" and because the plaintiff

1 failed to show how “it ha[d] been prejudiced by the two-day delay”); *Nguyen v. CNA Corp.*, 44  
2 F.3d 234, 243 (4th Cir. 1995) (“Because the late response was so minimal in time[,] the district  
3 court did not abuse its discretion in refusing to consider the requests for admission as admitted.”)  
4 Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Deem Third Set of Request for  
6 Admission Admitted (#105) is **denied**.

7 DATED this 22nd day of July, 2013.

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10 GEORGE FOLEY, JR.  
11 United States Magistrate Judge  
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